IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 10935 of 2006
Date of decision :22nd September, 2006

Piare Lal and anr. ...*Petitioner(s)*

Versus

The State of Haryana and Ors. .....*Respondent(s)*

CORAM:HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MRS. JUSTICE M.M.S.BEDI

Present: Mr. Vikram Singh, Advocate
for the petitioners

Mr. Harish Rathee, Sr. DAG, Haryana

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M.M.KUMAR, J. (Oral)

Written statement on behalf of respondent No.2 has been filed in the Court today, and a copy thereof has been furnished to the counsel for the petitioners.

According to the assertions made by the petitioners, their mother, namely, Smt. Shanti , who was working as Sweeper with respondent No.2-Municipal Council, Karnal, has expired on 18.08.2005 while she was in service. In order to claim the pensionary benefits, including pension, gratuity, provident funds, leave encashment and others, payable to the petitioners in lieu of the death of their mother, a representation was made on 17.10.2005,Annexure P-1, which was again repeated by sending reminder on 13.01.2006, Annexure P-2.

In response to notice of motion, respondent No.2, who is the contesting respondent, has raised objection that the petitioners have not produced any certificate to the effect that they are legal heirs of the deceased-

Shanti. However, it has been accepted that she was working with respondent No.2 and has died while in service. It has further been pointed out that the formalities, leading to the release of pension and retiral benefits, have not been complied with by the petitioners. It is also admitted at the time of hearing that apart from the petitioners, namely, Piare Lal and Roshi, there is another child of Shanti, who is in fact missing for the last over 10 years.

Having heard the learned counsel for the parties, we are of the view that there is merit in the assertions made by the petitioners, therefore, the pension and other retiral benefits of their deceased mother-Shanti, deserve to be released to them, subject to the execution of indemnity bonds by the petitioners to indemnify respondent No.2 that in case their missing brother appears and makes a claim of his share, the petitioners shall disburse his share.

The needful shall be done by respondent No.2 within a period of two months from the date a certified copy of this order is presented to him. If payment is not made within two months as aforementioned, then the petitioners shall also be entitled to payment of interest at the rate of 8% per annum from the date the dues are payable till its payment.

This petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 22, 2006
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